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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,766	06/13/2006	Hiyoshi Tatsuno	F-9125	1527
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EXAMINER				
OBAID, FATIH M				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/582,766

Applicant(s)

TATSUNO, HIYOSHI

Examiner

FATEH M. OBAID

Art Unit

3627

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 3 and 4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 5-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 8 and 9 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of the Application

1. This Office Action is in reply to amendment filed on 12/05/2008.
2. Claims 1, 2, and 5-7 have been amended.
3. Claims 8 and 9 have been added.
4. Claims 3 and 4 have been cancelled.
5. Claims 1, 2 and 5-9 are currently pending and have been examined.

Restriction by Original Presentation

6. Newly submitted claims 8 and 9 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claims 8 and 9 are related as subcombinations disclosed as usable together in a single combination. Claim 8 has separate utility such as a body sensor operable for detecting a human body approaching to the oil supply setup apparatus for alerting the oil supply apparatus as to a presence of a one or more of the clients. Claim 9 has separate utility such as an information service display operable for displaying road information, weather information, news, sports or any other subject of interest selected by the clients, and which is displayed during supply of oil.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 8 and 9 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

7. Claims 1, 2 and 5-7 are currently being examined.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramsey et al. "US 5,842,188 (Ramsey) in view of Kanamori et al. "US 6,527,020 B2" (Kanamori).

9. Regarding Claim 1: Ramsey discloses an oil supply apparatus, comprising :

- an oil supply setup apparatus for setting an oil supply setup content in order for clients themselves to carry out an oil supply operation (at least see Ramsey 3:1-12 and 5:44-47);
- an oil supply mechanism for controlling the oil supply operation on the a basis of the oil supply setup content set by the oil supply setup apparatus (at least see Ramsey 3:51-61),

- a change payer for settling the oil supply charge in cash due to setting of the oil supply setup content of the oil supply setup apparatus in one main body case (**at least see Ramsey 3:12-61**);
- the change payer carrying out the process for receiving a cash (**at least see Ramsey 3:51-61**), and
- disbursing any change due after the completion of the oil supply work (**at least see Ramsey 3:51-61**),
- a signal for a temporal stop of the oil supply is received from the oil supply mechanism via the signal line upon temporal stopping of the oil supplying state, said signal for the temporal stop of the oil supply being continued until said oil supply nozzle is returned to said nozzle hanger by operation of said nozzle switch (**at least see Ramsey 6:1-67**);
- the change payer is connected to the oil supply mechanism through a signal line for receiving a signal relating to an oil supplying state (**at least see Ramsey 1:5-29**);

Ramsey does not explicitly teach the following limitations. However, Kanamori discloses these limitations:

- said oil supply mechanism including an oil supply nozzle removably receivable to a nozzle hanger and a nozzle switch operable to allow detection of removal or replacement of said oil supply nozzle respectively from and to the nozzle hanger (**at least see Kanamori 4:47-67; 8:57-67; and 9:8-12**); and
- the oil supply setup apparatus, the oil supply mechanism, and the change payer are respectively connected to a POS terminal that is arranged away from the main body case through signal lines (**at least see Kanamori Fig. 2**);

- the POS terminal is configured to receive the oil supply setup content that is set by the oil supply setup apparatus and to receive the money amount information about the money received by the change payer (**at least see Kanamori Fig. 2**); the POS terminal is further configured to transmit a signal for allowing oil supply to the oil supply mechanism on the basis of the oil supply setup content and to receive an oil supply finishing signal from the oil supply mechanism (**at least see Kanamori Abstract**); the POS terminal is further configured to transmit a signal for instructing a change disbursement process to the change payer if change is needed (**at least see Kanamori 4:1-27**); the POS terminal being configured to output an instruction signal following indication of a state of the nozzle switch indicative of a replacement of said oil supply nozzle to the nozzle hanger, said instruction signal instructing the change disbursement process from the POS terminal, the change payer being operable for carrying out the disbursement process in response to the instruction signal, and to make a shift to an idling state after said change disbursement process or after lapse of a certain time where no change is needed(**at least see Ramsey 12:39-48 and see Kanamori 4:1-27; on of ordinary skill in the art would have found it obvious to advance the use of data communicatable with a signal**);

The subject matter of a properly construed claim is defined by the terms that limit its scope. It is this subject matter that must be examined. As a general matter, the grammar and intended meaning of terms used in a claim will dictate whether the language limits the claim scope. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation (See MPEP 2106 II C, Review the Claims and MPEP 2143 F Example 2).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use Kanamori's teachings in Ramsey's Unattended Automated System for Selling and Dispensing with Change Dispensing Capability enabled, for the advantage of having a central POS system to better serve clients.

10. **Regarding Claim 2:** Ramsey in combination with Kanamori discloses the oil supply apparatus according to claim 1,

- wherein the change payer has includes a bill processor for receiving money by a bill and disbursing the change is when needed of the bill and a coin processor for receiving the money by a coin and disbursing the change is when needed of the coin (**at least see Ramsey 9:17-66 and 11:6-42**).

11. **Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramsey et al. "US 5,842,188 (Ramsey) in view of Kanamori et al. "US 6,527,020 B2" (Kanamori) in further view of Cull et al. "US 7,339,332" (Cull).**

12. **Regarding Claim 5:** Ramsey in combination with Kanamori and Cull discloses the oil supply apparatus according to claim 1 ,wherein:

Ramsey dose not explicitly teach the following limitations where the liquid crystal feature can be add to the customer console. However Cull discloses the following limitations:

- the oil supply mechanism has an oil supply quantity indicator configured by a liquid crystal display equipped with a back light and an outside light sensor for detecting the brightness of the outside light (**at least see Cull 3:7-44 and 7:1-50**); and

- the oil supply mechanism controls the brightness of the back light of the oil supply quantity indicator on the basis of the outside light detected by the outside light sensor. **(at least see Cull 3:25-29).**

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use Cull's teachings in Ramsey's and Kanamori as a whole enabled, for the advantage of providing the client with a better view of the screen.

13. **Regarding Claim 6:** Ramsey in combination with Kanamori and Cull discloses the oil supply apparatus according to claim 1 ,wherein:

Ramsey dose not explicitly teach the following limitations that can be added to the customer console. However Cull discloses the following limitations:

- the oil supply mechanism has includes an oil supply quantity indicator configured by a light-emitting diode and an outside light sensor for detecting the brightness of the outside light **(at least see Cull 3:7-67); and**
- the oil supply mechanism controls the indicated color of the light-emitting diode of the oil supply quantity indicator on the basis of the outside light detected by the outside light sensor **(at least see Cull 4:7-67).**

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use Cull's teachings in Ramsey's and Kanamori as a whole enabled, for the advantage of providing the client with a better view of the screen and the number clearly.

14. **Regarding Claim 7:** Ramsey in combination with Kanamori and Cull discloses the oil supply apparatus according to claim1,

Ramsey does not explicitly teach the following limitation that can be added to the customer console. However Cull discloses the following limitation:

- wherein an integrating indicator for indicating an integrating amount of the oil supply amount to be measured by the flow meter is attached so that clients can view the integrating amount through an inspection window covered with a polarization plate (**at least see Cull 2:57-67 and 3:1-29**).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use Cull's teachings in Ramsey's and Kanamori as a whole enabled, for the advantage of providing the client with a better view.

Response to Amendment

15. Applicant's arguments filed 12/05/2008 have been fully considered but they are not persuasive.

In the remarks, the Applicant argues in substance:

Ramsey fails to teach:

The temporal stopping of fueling and the return of the nozzle to the nozzle holder which initiates a wait period during which the disbursement process is carried out by the suitable configured apparatus as claimed.

- In response the above argument Examiner respectfully disagrees. Ramsey teaches Upon the completion of fueling, the purchased is compared to the amount of cash inserted and price of the fuel cash and/or coins that are due from the transaction are returned by way of activation of currency dispenser 49 and/or coin dispensers 47 upon initiation by controller 41 subsequent to receiving a signal from the controller 39 that fueling at the dispenser 35 has stopped. An optional receipt is available, and after a suitable time elapses, the system recycles to the start position (**at least see Ramsey 653-67**). It is obvious that the disbursement process is carried out when the dispenser has stopped and an ordinary skill in the art at the time the invention was made will understand that waiting period will be after the return of the nozzle to the nozzle holder.
- In response rejected claims 5-7 it is obvious to an ordinary skill in the art at the time the invention was made to combine more than one reference as the base for all obviousness of the rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Relevant Prior Art

The prior art made of record and not relied upon, which is considered pertinent to applicant's disclosure, are cited in the Notice of Reference Cited form (PTO-892).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FATEH M. OBAID whose telephone number is (571)270-7121. The examiner can normally be reached on Monday-Friday 8:00 A.M to 4:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on (571)272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. M. O./
Examiner, Art Unit 3627
2/25/009

/F. Ryan Zeender/
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